

135th Street & Perry Avenue
Chicago, Illinois 60627
(312) 849-2500

Interlake, Inc.

FRED G. KRIKAU

Director
Environmental Control

US EPA RECORDS CENTER REGION 5



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E.P.A. — D.L.P.C.
STATE OF ILLINOIS

November 11, 1982

Mr. Thomas E. Cavanaugh, Jr.
Manager, Permit Section
Division of Land Pollution Control
Illinois Environmental Protection Agency
2200 Churchill Road
Springfield, Illinois 62706

Dear Mr. Cavanaugh:

Re: Cook County - Chicago/Interlake, Inc.
03160025 - Permit No. 1982-27

By letter dated July 29, 1982, you transmitted a draft permit to Interlake, Inc. for development and operation of a solid waste storage site at the Company's plant in Chicago, Illinois. Your letter and the draft of the purported permit contained therein are clearly the outgrowth of our negotiations designed to reach a compromise and settlement of the petitions for review which were originally filed in the Illinois Appellate Court, First District, Interlake, Inc., Republic Steel Corporation and United States Steel Corporation v. Jacob D. Dumelle and Illinois Pollution Control Board, Nos. 81-2561, 82-390. These petitions were recently transferred to the Illinois Appellate Court for the Third District (No. 81-625).

We cannot accept the draft permit which your letter would grant in its present form.

We have several problems with the terms and conditions of the permit which you would grant.

The draft permit for Interlake, Inc.'s Chicago Plant, Conditions 1 and 2 are objectionable because they purport to subject Interlake's waste management site for hazardous waste to operating standards contained in Chapters 2, 3, 7 and 9 of the Board's regulations. Treatment, storage and disposal facilities for hazardous waste are subject only to the Board's RCRA regulations, with which this facility is in compliance. Therefore, Conditions 1 and 2 must be deleted or, at a minimum, reference to Chapters 2, 3, 7 and 9 must be deleted.

November 11, 1982

Conditions Nos. 3 and 7 are objectionable because whatever conditions the Agency believes to be necessary must be stated in the permit, and the Agency may not amend the permit without cause. Therefore, Conditions 3 and 7 must be deleted.

Condition 5 is also objectionable. Although we do not accumulate hazardous waste in the facility in question for over ninety days, we note that under recent amendments to USEPA's RCRA regulations, published at 47 Fed. Reg. 1248 (January 11, 1982), an extension to the ninety day accumulation period of up to thirty days can be granted by the Regional Administrator. The Board recently proposed to incorporate this provision in its RCRA regulations. See 6 Ill. Reg. 12377 (October 15, 1982). The extension provision is not reflected in the draft permit.

Supplemental 725-553
A. B. B.

We also believe that a condition should be included in the permit to the effect that the permit will remain effective for the useful life of the relevant facility.

no

We will have to resolve the acceptability of a condition that the effective date of any permit which the Agency may grant is dependent upon dismissal of our lawsuits through our lawyer.

I look forward to hearing from you.

Very truly yours,

INTERLAKE, INC.



F. G. Krikau
Director - Corporate
Environmental Control

FGK/ejk